

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
MIDDLE DIVISION**

LARRY T. LACY,

Plaintiff,

vs.

THE CITY OF WADLEY,

Defendant.

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CASE NO.: 3:08cv56-MHT

REPORT OF PARTIES' PLANNING MEETING

COME NOW, the parties, by and through undersigned counsel of record, and jointly report to the Court the results of the parties' planning meeting held in accordance with Fed. R. Civ. P. 26 as follows:

1. **Pursuant to Fed. R. Civ. P. 26(f), a meeting was held by telephone on March 13, 2008, attended by:**

Robin F. Reynolds and Angela Hill for Plaintiff

C. David Stubbs for Defendant

2. **Pre-Discovery Disclosures:** The parties will exchange by April 11, 2008, information required by Fed. R. Civ. P. 26(a)(1).

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan.

Discovery will be needed on the following subjects:

- (i) the factual and legal issues and claims of the Plaintiff's allegations of violations on the part of the Defendant of the wage and hour provisions of the Fair Labor Standards Act, and violation of anti-retaliation provisions of the FLSA;
- (ii) any and all damages claimed by Plaintiffs;
- (iii) factual and legal issues related to Defendant's defenses; and
- (iv) Plaintiff's term of employment with Defendant, specific hours worked, pay received and employment status while Plaintiff was employed by Defendant.

Disclosure or discovery of electronically stored information should be handled as follows:

Both parties agree that they will submit electronically stored information in a form useful by the other party. If data is stored in specialized software or programs, the party retaining such information agrees to convert the information into a format which the other party can use or to reproduce the information into paper form. If no such means is available, the parties agree to allow the opposing party to access the information at a pre-arranged time and place.

The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material asserted after production, as follows:

- (i) Standard HIPPA Protection Order for healthcare information, if necessary.
- (ii) Standard Protection Order for other privileged or protected information.

All discovery must be commenced in time to be completed by September 7, 2008.

Maximum of 40 Interrogatories by each party to any other party. Responses due thirty days after service.

Maximum of 25 Request for Admissions by each party to any other party. Responses due 30 days after service.

Maximum of 10 depositions by Plaintiff and 10 by Defendants.

All depositions are limited to six hours.

Reports from experts expected to testify pursuant to Rule 26(a)(2):

Due from the Plaintiff by May 23, 2008.

Due from the Defendant by June 6, 2008.

Supplementations under Rule 26(e) are due 10 days of discovering the information in question.

4. Other Items.

The parties do not request a conference with the Court before entry of the Scheduling Order.

The parties request a pretrial conference in November, 2008.

Plaintiff should be allowed until June 25, 2008, to join additional parties and/or amend the pleadings.

Defendant should be allowed until July 9, 2008, to join additional parties and/or amend the pleadings.

All potentially dispositive Motions should be filed by September 14, 2008, as set by the Court.

Settlement cannot be evaluated prior to the completion of some discovery.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due 30 days before trial.

Parties should have 10 days after service a final list of witnesses and exhibits to list objections under Rule 26(a)(3). The case should be ready for trial by December, 2008, and is expected to take approximately 2 days.

Dated this the 14th day of March, 2008.

/s/ Robin F. Reynolds

Robin F. Reynolds

Attorney for Plaintiff, Larry T. Lacy

OF COUNSEL:

139 South Broadnax Street
Dadeville, Alabama 36853

/s/ C. David Stubbs

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Attorney for Defendant,
The City of Wadley

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